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Attorney Docket No.: 4660.240-US

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R E M A R K S

As will be discussed in further detail below, Applicants have amended claim 24 to more distinctly claim that which Applicants regard as their invention. Applicants do reserve the right to file subsequent continuation and/or divisional applications on cancelled subject matter. Claims 29-31 and 34 have been amended to correct editorial errors.

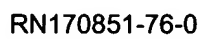
1. The Rejections Under 35 U.S.C. 103

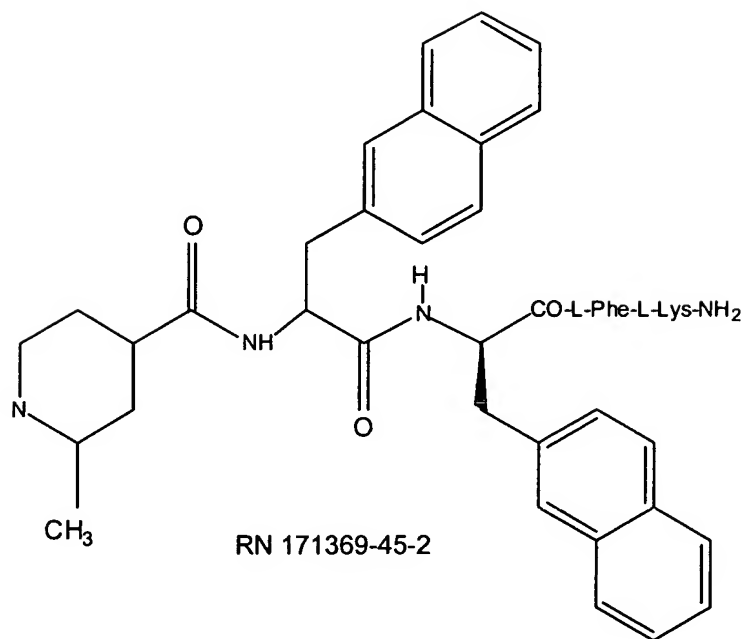
Claims 24-37 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 96/15148, McDowell, Elias and Rubas. It is asserted that each of these references discloses RN 171369-45-2.

Claims 24-37 have also been rejected under 35 U.S.C. 102(b) as anticipated by or in the alternative obvious over Johansen. It is asserted that Johansen discloses RN 170851-76-0.

Applicants respectfully traverse the rejection. The structures of RN 171369-45-2 and RN 170851-76-0 are shown below.

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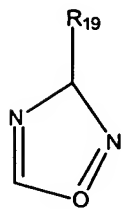
Clearly, it is
evident that the

compounds of the present invention differs from the prior art compounds at the E position.

In the compounds of the present invention, E is

-CONHC₁₋₆-alkyl

or



In contrast, in the prior art compounds, in RN 171369-45-2, E would be CO-L-Phe-L-Lys-NH₂ and in RN 171369-45-2, E would be CO-L-Lys-NH₂. This is very different from "E" recited in claim 24.

The structure of claim 24 is certainly not anticipated by the cited prior art. With respect to obviousness, a finding of obviousness under 35 U.S.C. §103 requires a determination of the scope and content of the prior art, the differences between the claimed invention and prior art, the level of ordinary skill in the art, and whether the differences are such that the claimed subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. Deere*, 383 U.S. 1 (1966). Given the differences between the structures of claim 24 and the prior art compounds, claims 24-37 would additionally not be obvious in view of the cited references.

In view of the claim amendments and the above arguments, Applicants assert that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103 have been overcome. Therefore, Applicants respectfully request that the rejections be withdrawn.

2. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact Cheryl H. Agris by telephone at (914) 712-0093 if there are any questions concerning this amendment or application.

Respectfully submitted,

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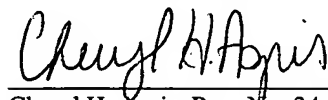
REMARKS

Claims 1 and 22-23 are pending in the above-referenced application. A restriction requirement has been issued where it is required that a species be elected. In response, Applicants have canceled claims 1 and 22-23 without prejudice and new claims 24-37 have been added. However, Applicants do reserve the right to file subsequent continuation and/or divisional applications on subject matter encompassed by the canceled claims. Applicants note that the compounds recited in claim 29 recites compounds disclosed in Examples 7 and 27.

Applicants assert that the claims are in condition for examination. Early action to that end is respectfully requested. The Examiner is hereby invited to contact Cheryl H. Agris by telephone at (914) 712-0093 if there are any questions concerning this amendment or application.

Respectfully submitted,

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